

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)

Suits Identified in the Exhibits)
at Dkt. 1180 and 1227)

NOTICE OF FILING OF CASES

Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; and Kenneth Lister, MD, PC (collectively "Tennessee Clinic Defendants") give notice to the Court and to all parties of the filing of two (2) Tennessee Court of Appeals cases that have been issued since the June 18, 2014, oral argument on the Tennessee Clinic Defendants' *Global Motion to Dismiss*¹ and *Motion to Dismiss for Failure to Comply with Tenn. Code Ann. § 29-26-121*.² Courtesy copies of the cases are attached. The Tennessee Clinic Defendants do not wish to reopen briefing or argue the application of these two cases but simply wish to provide the Court with notice of these cases, which post-date both submission of the briefs and oral argument. Because they post-dated submission of the briefs and oral arguments, they obviously were not cited by the parties.

¹ Dkt. 771; Memorandum of Law at Dkt. 772.

² Dkt. 770; Memorandum of Law at Dkt. 898.

The cases are:

- *Deborah Mason Hawkins, Individually and as Administratrix of the Estate of Wayne Hawkins, Deceased, v. Rodney A. Martin, MD and Baptist Memorial Hospital*, Court of Appeals of Tennessee at Jackson, No. W2013-02102-COA-R3-CV, Filed June 23, 2014.
- *Diana Roberts, et al. v. Sue Prill, MD, et al.*, Court of Appeals of Tennessee at Knoxville, No. E2013-02202-COA-R3-CV, Filed June 26, 2014.

Copies of the cases are attached as an exhibit to this notice.

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 9th day of July, 2014.

/s/ Chris Tardio

Chris Tardio

³ Admitted pursuant to MDL Order No. 1.

⁴ Admitted *pro hac vice*.